



# International Convention for the Protection of All Persons from Enforced Disappearance

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## Committee on Enforced Disappearances

### Report on requests for urgent action submitted under article 30 of the Convention\*

#### A. Introduction

1. Pursuant to rules 57 and 58 of the Committee's rules of procedure, all requests for urgent action submitted for its consideration under article 30 of the Convention should be brought to the attention of the Committee. The present report summarizes the main issues that have been touched upon in relation to the requests for urgent action received by the Committee under article 30 of the Convention, and the Committee's recommendations that it has sent to the States parties concerned in notes on registration and follow-up with regard to those requests, since the twenty-second session.

#### B. Requests for urgent action received since the Committee's twenty-second session

2. In the report on requests for urgent action adopted at its twenty-second session,<sup>1</sup> the Committee set out the decisions taken on and the trends observed among the 1,491 requests for urgent action that had been registered up to 8 April 2022. Between that date and 23 September 2022, the Committee received 49 new requests for urgent action, 46 of which were registered. One request did not include sufficient information to establish the facts. A second request was not registered because the Committee considered that it did not constitute a case of disappearance as defined in the Convention. A third request was not registered because the alleged disappearance had not been presented to the competent bodies of the State party concerned. The 46 new registered requests concerned disappearances in Iraq, Mexico, Morocco and Ukraine.

3. As at 23 September 2022, the Committee had registered a total of 1,537 requests for urgent action, as shown in the table. Between 1 January and 23 September 2022, the Committee sent 48 notes, relating to registered requests for urgent action, to follow up on the implementation of its recommendations regarding the search and investigations of the disappearance.

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\* Adopted by the Committee at its twenty-third session (12–23 September 2022).

<sup>1</sup> [CED/C/22/2](#).



**Urgent action requests registered to 23 September 2022, by State party and by year**

<i>State party</i>	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022 <sup>a</sup>	<i>Total</i>
Argentina	-	-	-	-	-	2	-	-	1	-	-	3
Armenia	-	-	-	-	-	1	-	-	-	-	-	1
Bolivia (Plurinational State of)	-	-	-	-	-	-	-	1	-	-	-	1
Brazil	-	-	1	-	-	-	-	-	-	-	-	1
Burkina Faso	-	-	-	-	-	-	-	-	1	-	-	1
Cambodia	-	-	1	-	-	-	-	2	1	-	-	4
Colombia	-	1	1	3	4	3	9	3	2	153	-	179
Cuba	-	-	-	-	-	-	1	3	-	188	-	192
Honduras	-	-	-	-	-	-	14	-	9	2	-	25
Iraq	-	-	5	42	22	43	50	226	103	41	22	554
Kazakhstan	-	-	-	-	-	2	-	-	-	-	-	2
Lithuania	-	-	-	-	-	-	-	2	-	-	-	2
Mali	-	-	-	-	-	-	-	-	1	11	-	12
Mauritania	-	-	-	-	-	1	-	-	-	-	-	1
Mexico	5	4	43	166	58	31	42	10	57	60	49	525
Morocco	-	-	-	-	1	2	-	-	-	2	2	7
Niger	-	-	-	-	-	-	-	-	1	-	-	1
Oman	-	-	-	-	-	-	-	-	-	1	-	1
Paraguay	-	-	-	-	-	-	-	-	-	1	-	1
Peru	-	-	-	-	-	-	-	-	14	-	-	14
Sri Lanka	-	-	-	-	-	1	-	-	-	-	-	1
Slovakia	-	-	-	-	-	-	-	-	1	-	-	1
Sudan	-	-	-	-	-	-	-	-	-	-	1	1
Togo	-	-	-	-	-	-	2	-	1	-	-	3
Tunisia	-	-	-	-	-	-	-	1	-	-	-	1
Ukraine	-	-	-	-	-	-	-	-	-	-	3	3
<b>Total</b>	<b>5</b>	<b>5</b>	<b>51</b>	<b>211</b>	<b>85</b>	<b>86</b>	<b>118</b>	<b>248</b>	<b>192</b>	<b>459</b>	<b>77</b>	<b>1 537</b>

<sup>a</sup> To 23 September 2022.

**C. Urgent actions that have been discontinued, closed or suspended for the protection of persons for whom interim measures have been taken**

4. In accordance with the criteria adopted by the Committee at its eighth and twentieth sessions:

(a) An urgent action is discontinued when the disappeared person has been located but is still detained; this step is taken because the person in question is particularly vulnerable to being subjected to a further enforced disappearance and placed outside the protection of the law;

(b) An urgent action is closed when the disappeared person has been found at liberty or found and released, or has been found dead, provided that his or her family members and/or the authors do not contest these facts;

(c) An urgent action, and the Committee's follow-up to it, is suspended when the author of the request for urgent action has lost contact with the family members of the disappeared person and can no longer provide follow-up information; a suspended urgent

action may be reopened if the author informs the Committee that he or she has resumed contact with the family members.

5. As at 23 September 2022, the Committee had closed 392 urgent action cases, discontinued 34 cases and suspended 103 cases. A total of 1,008 cases remained open.

6. The Committee welcomes the fact that 428 disappeared persons have been located so far. It particularly welcomes the fact that the persons concerned were located alive in 406 cases. In this regard, the Committee wishes to highlight the positive outcomes observed in requests for urgent action registered during the period under review with regard to cases in Cuba, Mexico and Morocco.

## **D. Developments since the twenty-second session (to 23 September 2022)**

7. Throughout the urgent action procedure, the Committee maintains constant contact with States parties through their permanent missions, and with the authors of requests for urgent action. The Committee also enjoys cooperation with the Office of the United Nations High Commissioner for Human Rights and other United Nations field presences, which relay information regarding cases and follow up on the implementation of the Committee's recommendations.

8. While not intended to be an exhaustive analysis of all the information received under the urgent action procedure, the following paragraphs contain a description of general and specific issues, trends and developments in some of the States parties over the period under review.

### **1. General trends observed during the reporting period**

9. The information received in the context of the urgent action procedure both confirms trends previously identified, in the reports adopted by the Committee at its eleventh to twenty-second sessions,<sup>2</sup> and illustrates new trends, as described in the following paragraphs.

#### **(a) Lack of cooperation with the Committee**

10. The Committee is concerned at the lack of cooperation by States parties that fail to respond regarding requests for urgent action or to address the Committee's recommendations. The Committee recalls that States parties have the obligation, under article 30 (3) of the Convention, to inform the Committee, within a specified period of time, of measures taken to locate and protect the person concerned in accordance with the Convention and, under article 26 (9), to cooperate with the Committee and assist its members in the fulfilment of their mandate.

11. The Committee remains particularly concerned about the continued failure of Iraq to reply to the majority of the registered requests for urgent action concerning cases of disappearance that occurred in its territory and to address the recommendations regarding search and investigation measures. The Committee has noted this lack of compliance by Iraq with its obligations under article 30 of the Convention in its past five reports submitted to the General Assembly.<sup>3</sup>

12. Whenever the States parties concerned or the authors of requests for urgent action do not provide follow-up information by the deadlines set by the Committee, the Committee will send up to four reminders. In its final reminder, the Committee will indicate that it may decide to make the situation public in its report on requests for urgent action at its following session and in its following report to the General Assembly.

13. As at 23 September 2022, the Committee had sent final reminders and received no response from the States parties concerned regarding 430 requests for urgent action: 368 requests concerning Iraq, 61 requests concerning Mexico and 1 request concerning Mali.

<sup>2</sup> CED/C/11/3, CED/C/12/2, CED/C/13/3, CED/C/14/2, CED/C/15/3, CED/C/16/2, CED/C/17/2, CED/C/19/2, CED/C/20/2, CED/C/21/2 and CED/C/22/2.

<sup>3</sup> A/73/56, A/74/56, A/75/56, A/76/56 and A/77/56.

14. The Committee is also concerned about the lack of response from the authors of requests for urgent action in some cases. When authors fail to respond after the State party has provided observations on the search and investigation measures taken, which have then been transmitted to the authors for comments, the Committee will send up to four reminders to the authors.

15. As at 23 September 2022, the Committee had sent final reminders and received no response from the authors concerned regarding 99 requests for urgent action: 77 requests concerning Mexico, 13 requests concerning Honduras, 7 requests concerning Colombia, 1 request concerning Iraq and 1 request concerning Peru. Lack of response from the authors of requests for urgent action prevents the Committee from being able to follow up on its recommendations. The Committee recalls that authors should inform the Committee if they have lost contact with the disappeared person's relatives, in which case the Committee will suspend its follow-up on the case, or if the person has been located, in which case it will close or discontinue the case (see para. 4 above). Authors should inform the Committee if they have nothing to add regarding the search and investigation measures taken by the State party concerned, so that the Committee can proceed to follow up on the request for urgent action on the basis of the information provided by the State party.

16. The Committee recalls that States parties and authors of requests for urgent action should inform the Committee immediately if the disappeared person has been located.

**(b) Lack of a strategy suited to each case and lack of coordination between search and investigation procedures**

17. In the context of its follow-up to requests for urgent action, the Committee continued to raise its concerns with regard to the failure by States parties to define and implement a comprehensive strategy for the search for the disappeared persons and the investigation of their disappearance in compliance with articles 12 and 24 of the Convention. In such cases, the Committee had previously requested the States parties concerned to design and implement a strategy for search and investigation, which should include an action plan and timeline and should be evaluated periodically, in accordance with principle 8 of the Guiding Principles for the Search for Disappeared Persons.<sup>4</sup> However, in the majority of such cases, States parties continued to report on isolated and uncoordinated action for search and investigation that revealed the absence of any such strategy and prevented or hindered any meaningful progress in the location of the disappeared persons concerned.

18. On the basis of the information received from States parties, the Committee continued to observe an apparent lack of coordination between search and investigation procedures in the majority of requests for urgent action registered. This lack of coordination is usually due to the failure of the competent State authorities to share the information and evidence that they have obtained in fulfilling their respective mandates, leading in some instances to a duplication of activities and in others to information gaps, and again resulting in the stagnation of the search and investigation processes or in unnecessary delays in the location of the disappeared persons and identification of perpetrators. In such cases, the Committee continued to stress the importance of coordination between the authorities in charge of the search and those in charge of the investigation, so that any information obtained by either may be used efficiently and expeditiously by the other, in accordance with principle 13 of the Guiding Principles for the Search for Disappeared Persons.

**(c) Challenges to the effective participation of relatives in the search and investigation**

19. During the period under review, the Committee received a number of reports of obstacles faced by the relatives of disappeared persons to effectively participate in the search and investigation, including lack of information on measures taken by the relevant authorities in the search and investigation and the results achieved.

<sup>4</sup> CED/C/7, annex.

**(d) Lack of a differential approach**

20. The Committee recalls that the search for persons in situations of vulnerability requires special procedures, experience and knowledge to meet their particular needs. In requests for urgent action involving women, including transsexual women, the Committee systematically requested that all stages of the search procedures be conducted with a gender perspective and by specialized staff, including female staff. Similarly, the Committee requested that a differential approach be adopted in cases of the disappearance of children, including respect for the principle of the best interests of the child in all stages of the search procedure. Notwithstanding these requests, the Committee has received no information to date from the States parties concerned as to how these recommendations have been implemented in practice.

**(e) Human rights defenders**

21. During the reporting period the Committee registered new requests for urgent action concerning and followed up on cases of the alleged disappearance of human rights defenders. The Committee requested the States parties concerned to take into account the work of the human rights defenders as a possible motive for the disappearance in order to strengthen the prosecutorial hypotheses and search activities. When human rights defenders, their representatives or the victims' counsel requested protection measures in these cases, the Committee requested the States parties concerned to ensure that the beneficiaries' work related to the search for truth, justice and reparation was taken into account in the risk assessment and identification of appropriate protection measures.

**(f) Disappearance of women**

22. During the reporting period, the Committee registered an increasing number of requests for urgent action concerning the alleged disappearance of women. In particular, the Committee received allegations of the disappearance of a woman victim of domestic violence in Mexico, with indications, based on the context information, that she may have been a victim of a femicide. The Committee recalled that even if a violation was initially not directly attributable to the State party, its international responsibility could still be triggered because of its lack of due diligence in preventing the violation or in addressing it in accordance with the requirements imposed by international law, in particular the Convention.<sup>5</sup> That scenario could apply in cases of femicide, particularly given the high rates of impunity for such crimes in the country and the fact that the disappearance of women and girls had been used as a means of concealing femicide and other crimes linked to violence against women, such as sexual violence and trafficking in persons.<sup>6</sup>

**(g) Reprisals**

23. The Committee is concerned at allegations received from the authors of requests for urgent action concerning reprisals, usually involving threats and retaliation against the relatives of disappeared persons, aimed at dissuading them from participating in or promoting search and investigation processes. In 292 currently open cases, the Committee requested the States parties concerned to take protection measures to preserve the lives and integrity of the individuals concerned, and allow them to pursue their search activities without being subjected to violence, intimidation or harassment, in conformity with States parties' obligations under article 24 of the Convention and in the light of principle 14 of the Guiding Principles for the Search for Disappeared Persons. The Committee further requested the States parties concerned to ensure that such measures were taken with the prior consent of the persons requiring protection and were subject to review at their request. Of the 292 requests for urgent action in which the Committee requested protection measures, 243 concerned disappearances in Mexico.

24. In one case, relating to a disappearance in Morocco, the disappeared person was located in prison. However, the Committee received information from the authors of the

<sup>5</sup> CED/C/MEX/VR/1 (Findings), para. 40.

<sup>6</sup> Ibid., para. 14.

request for urgent action that the person's relatives had been subjected to threats after he had been located and they had visited him in prison. In view of the fact that the Committee against Torture had recently registered an individual communication (No. 1136/2022) submitted by the formerly disappeared person concerning the treatment to which he was being subjected in detention, and had requested interim measures in that regard, and in order to coordinate action between the various treaty bodies, the Committee directed the authors of the request for urgent action to raise the allegations of reprisals as part of his case being considered by the Committee against Torture.

## **2. Specific trends relating to Iraq and Mexico**

25. During the period under review, Iraq and Mexico remained the two States parties with regard to which the most requests for urgent action were registered, and they now jointly account for 70 per cent of all requests for urgent action registered. Nevertheless, the Committee has also received an increasing number of requests with regard to other States parties.

### **(a) Iraq**

26. As at 23 September 2022, the Committee had registered a total of 554 cases related to events in Iraq, amounting to 36 per cent of all requests for urgent action registered so far. The Committee is highly concerned that, according to the information received, in only 30 of these cases have the disappeared persons been located, amounting to only 5 per cent of all requests for urgent action related to events in Iraq. The Committee remains concerned that, even when the disappeared persons were released from detention, the State party failed to inform the Committee. The Committee expressed concern about the State party's failure to inform the Committee about such developments in its notes closing or discontinuing the cases in question, and reminded the State party of its obligation to cooperate in good faith with the Committee by providing prompt and detailed information on action taken to search for disappeared persons and, when determined, on their location.

27. The Committee notes with concern that there is a direct correlation between the lack of cooperation by Iraq with the urgent action procedure under article 30 of the Convention, as noted in paragraph 11 above, and the alarmingly low number of disappeared persons who have been located in Iraq to date.

28. Where the State party submitted replies to the Committee – which it did in less than half of the registered cases – the responses generally followed the same trend observed by the Committee in its previous reports, namely that the State party did not provide any information on action taken to search for disappeared persons or to investigate their alleged enforced disappearance. In these cases, the Committee reminded the State party that its failure to take action and to provide specific information was not in compliance with article 12 of the Convention, under which States parties were required to examine the allegation promptly and impartially, to undertake without delay a thorough and impartial investigation and to take the necessary measures to prevent and sanction acts that hinder the conduct of an investigation.

29. As previously noted, the State party continued to assert in a number of cases that the disappeared persons were affiliated with terrorist groups, without providing any further information or evidence about any specific criminal charges brought, proceedings initiated or arrest warrants issued against them. In these cases, the Committee reminded the State party that the Convention provided for no exceptions to its obligation to search for disappeared persons and to investigate their disappearance, irrespective of their profile or of any suspicions against them of involvement in terrorist activities. Similarly, the Committee emphasized that judicial access and remedies must be available to all persons, including those affected by terrorism sanctions regimes.<sup>7</sup> The Committee also requested the State party to provide copies of arrest warrants or any official documents that listed the disappeared persons as wanted by the Iraqi authorities and, if specific criminal charges and proceedings had been brought against them, to officially notify their relatives and representatives, and to place them

<sup>7</sup> A/HRC/40/52, para. 75 (g).

immediately under the protection of the law to enable the preparation of their defence and to protect and promote their right to due process.

30. The Committee welcomes the State party's recent responses to this request, whereby it provided copies of the relevant arrest warrants and noted that the individuals concerned were in detention. The Committee observes, however, that in some of these cases, the arrest warrants provided were issued after the date of the alleged disappearance, whereas they should predate the alleged detention of the persons concerned. The Committee has requested the State party to explain this discrepancy.

31. As stated in its previous reports, in some cases, the State party responded that the disappeared persons' relatives had not filed complaints with the relevant authorities, even though they had in fact done so with several administrative and judicial authorities at the national level. In these cases, the Committee recalled principle 6 of the Guiding Principles for the Search for Disappeared Persons, according to which: the obligation to search for and locate a person is triggered as soon as the competent authorities become aware, by any means, or have indications that a person has been subjected to enforced disappearance; the competent authorities should begin the search immediately and expeditiously, on their own initiative, even when no formal complaint or request has been made; a lack of information from relatives or complainants cannot be invoked to justify a failure to immediately launch activities to search for and locate the disappeared person; and where doubts arise about the occurrence of an involuntary disappearance, the search should nevertheless begin immediately.

32. As during the previous two review periods,<sup>8</sup> the Committee continued to receive a number of new requests for urgent action with regard to the disappearance of persons in 2017. It was reported that, when the Iraqi security forces were about to enter Hadar District, in Ninawa Governorate, approximately 50 Sunni families fled in their vehicles towards the village of Oleba. Militia affiliated with the Iraqi security forces reportedly arrested the men, who were blindfolded and handcuffed and taken to the Hadar crossroad. The Committee also received a number of new requests for urgent action with regard to the disappearance of persons in 2015 in the context of military operations by the Popular Mobilization Forces against Da'esh, as a result of which families had been displaced. According to the information before the Committee, the Popular Mobilization Forces arrested the men and never returned them to their families. In each of these cases, the Committee requested the State party to confirm whether the disappeared persons were being detained in any formal or informal place of deprivation of liberty and, if so, to guarantee that they would be authorized to communicate with and be visited by their family, counsel or any other person of their choice, in compliance with article 17 (2) (d) of the Convention, and to inform the Committee about any charges pressed or proceedings initiated against them. The Committee is still awaiting information from the State party in that regard.

33. In the case of one request for urgent action (No. 813/2020), concerning the disappearance of a person who had supported demonstrators in Tahrir Square in Baghdad in October 2019, the State party informed the Committee that the disappeared person's father had brought proceedings before the relevant investigation court, accusing two alleged perpetrators of his son's kidnapping. According to the State party, the Iraqi judiciary found that it was a case of kidnapping rather than enforced disappearance. In its recent follow-up note, the Committee reminded the State party that, under article 2 of the Convention, "enforced disappearance" was considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which placed such a person outside the protection of the law. The Committee recalled a previous note, in which it had already informed the State party that the disappeared person had been subjected to threats linked to his support for participants in demonstrations in Tahrir Square, and that on the day of his disappearance, there had been clashes in Tahrir Square between a militia – Saraya al-Salam – and the demonstrators. The victim had gone missing after those events. The Committee informed the State party that,

<sup>8</sup> CED/C/21/2, para. 22, and CED/C/22/2, para. 26.



following his disappearance, his family had searched for him in hospitals and detention centres, to no avail, and had lodged complaints with the police and court. The family had been unofficially informed that he was in detention in Al-Muthana Airport prison in Baghdad, but the prison authorities had denied that he was being held. The Committee therefore reiterated that the disappearance, under the conditions described, qualified as an alleged enforced disappearance under article 2 of the Convention, and that it was for the State party to provide information to rebut this allegation, through the results of the relevant national investigations.

**(b) Mexico**

34. As at 23 September 2022, the Committee had registered a total of 525 cases related to events in Mexico, amounting to 33 per cent of all requests for urgent action registered so far. Of these 525 cases, 48 have been closed as the disappeared persons have been found at liberty or found and released, 101 cases have been suspended as the authors of the requests have lost contact with the relatives of the disappeared persons and can no longer provide follow-up information, and 376 cases remain open.

35. As during previous review periods, the Committee continued to observe a general lack of coordination between the various authorities in charge of search and investigation, including with respect to the definition of their respective roles and responsibilities and the sharing of information on action undertaken and results obtained, which resulted on occasions in a duplication of action. In such cases, the Committee noted with concern that the measures taken appeared isolated and that formal action by certain institutions did not reveal an integrated, efficient and coordinated strategy for search and investigation. In particular, it recommended coordination between the authorities conducting investigations at the federal and state levels, including clear definition of their respective functions.

36. In some cases, the State party claimed to have adopted a coordinated and comprehensive search strategy. However, the Committee observed that, in practice, the authorities in charge of the search had taken formal measures merely requesting information from other institutions, without following up on those requests, establishing a search plan or complying with the national protocol for the search for disappeared persons. The Committee also observed unjustified delays in the adoption of formal search measures, sometimes of up to a year after the search and investigation file had been opened.

37. Authors frequently alleged that State authorities were directly or indirectly involved in the events surrounding the disappearances and that search and investigation efforts had therefore come to a halt. In such cases, the Committee emphasized to the State party the importance of establishing mechanisms for ensuring the accountability of State officials in charge of search and investigation, and requested the State party to investigate allegations that such officials had hindered proceedings, in accordance with article 12 of the Convention and in the light of principle 15 of the Guiding Principles for the Search for Disappeared Persons. In some cases, in which the local investigation authorities were alleged to have been involved in the disappearance, the Committee recommended that the State party consider transferring the search and investigation to the federal authorities.

38. In several cases concerning Mexico, the Committee received information that lack of resources and capacity in some local and federal institutions resulted in a situation whereby the initiative to advance the search of the disappeared person and the investigation of the disappearance was left to the relatives, who had to propose locations for search activity, request and suggest prosecutorial action and propose investigation hypotheses. In these cases, the Committee recalled that the main responsibility for addressing the disappearance and implementing the Committee's recommendations regarding requests for urgent action lay with the State authorities, in accordance with article 30 of the Convention. The Committee reminded the State party that its Supreme Court had recognized the binding nature of the Committee's recommendations issued in the context of the urgent action procedure under article 30.<sup>9</sup>

<sup>9</sup> Supreme Court, Amparo Appeal No. 1077/2019, Judgment, 16 June 2021, para. 122. Available (in Spanish) at <https://www.idheas.org.mx/wp-content/uploads/2021/07/VERSION-PUBLICA.pdf>.



39. Authors continued to refer to the challenges faced by the relatives of disappeared persons to gain access to the support to which they were entitled under national legislation and article 24 (6) of the Convention. In each such case, the Committee indicated to the State party the measures required depending on the specific needs of the relatives of the disappeared person, regarding, for example, access to food, education, housing or health services. The Committee also recalled the obligation of the competent State party authorities to inform the relatives of the disappeared person about the content, scope and time frame of the support to which they were entitled from those authorities. The Committee requested the State party to ensure that the beneficiaries' situation and needs were duly taken into account by the Executive Commission for Victim Support, at either at the local or the federal level, when formulating and revising support plans.

### **3. Developments in Cuba, Oman and Ukraine**

#### **(a) Cases of disappearance in the context of demonstrations in Cuba**

40. In 2021, the Committee registered 187 cases related to the social protests that began in Cuba on 11 July 2021. The requests for urgent action concerned demonstrators who had allegedly been detained by security forces, and the security forces had later denied the demonstrators' relatives information on their whereabouts. The Committee recalled that failure to register a detention, even for brief periods of time, followed by refusal to acknowledge the deprivation of liberty or to disclose information on the disappeared person's whereabouts placed the individual outside the protection of the law and constituted enforced disappearance under article 2 of the Convention.<sup>10</sup>

41. After receiving case-specific information from the State party, the Committee decided to close 142 of the cases, because the disappeared persons had already been released from detention or had been placed under house arrest, or, in a minority of cases, because the authors were unable to dispute the information provided by the State party and provide any additional information to suggest that the persons remained disappeared. The Committee also decided to discontinue 18 of the cases, because the location of the disappeared persons had been confirmed but they remained in detention. The Committee decided to keep the remaining 27 cases open and to request additional information from the State party. The Committee expressed concern at the repeated allegations of incommunicado detention of protesters, in some cases for up to several months, and recalled that such practice, which could be conducive to enforced disappearance, should be exceptional, in order to avoid harm to the detainee's life or integrity and to protect investigations. The Committee recalled in that regard that, under article 17 (2) (d) of the Convention, States parties had an obligation to guarantee that any person deprived of liberty be authorized to communicate with and be visited by his or her family, counsel or any other person of his or her choice, subject only to the conditions established by law, or, if he or she was a foreigner, to communicate with his or her consular authorities, in accordance with applicable international law. The Committee has received the requested additional information from the State party and forwarded it to the authors for comment, and is currently awaiting the authors' reply before it can continue its follow-up on the 27 cases that remain open.

#### **(b) Disappearance of a migrant domestic worker in Oman**

42. The Committee continued to follow up on the disappearance of a Sri Lankan migrant worker in Oman. According to the information provided by the authors of the request for urgent action, the victim had arrived in the United Arab Emirates with a visit visa and had been illegally transferred by an employment agency to Oman, where she had allegedly been mistreated by her sponsor and disappeared. While the Committee acknowledged the new reforms regarding migrant workers in Oman – and the abolition of the “no objection certificate” system, enabling a worker to move from one employer to another – it noted that the reforms had come into force after the disappearance had occurred, and that, according to

<sup>10</sup> See the joint statement by the Committee and the Working Group on Enforced or Involuntary Disappearances, 26 August 2016. Available at [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20416&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20416&LangID=E).

the information received, the victim had been held in police custody in Oman before her disappearance. The Committee recalled the importance of cooperation between all States involved in a disappearance – in this case, the territorial State and the State of nationality of the victim – in order to ensure the greatest measure of mutual assistance in the search for the disappeared person, and mutual legal assistance, in compliance with articles 14 and 15 of the Convention.

**(c) Disappearance in Ukraine**

43. During the period under review, the Committee registered a third request for urgent action concerning a disappearance in the Donetsk region of Ukraine. According to the information received by the Committee, the alleged victim was apprehended by unknown persons, who were armed with automatic weapons and dressed in military uniform, and was reportedly transported to the city of Bakhmut, in the Donetsk region, in the territory still under the control of the Ukrainian military units. In view of the urgency and seriousness of the situation, the Committee, in accordance with article 30 of the Convention, requested the State party to take immediate action to search for, locate and protect the disappeared person. The Committee is awaiting the State party's response in this regard.

**E. Decisions by the Committee at its twenty-third session**

44. The Committee decided that, in all cases in which the disappeared person had been located, it would inform the authors of the request for urgent action, in its note closing the case, that they could file an individual communication regarding the State party's obligation to investigate the disappearance, if the requirements of article 31 of the Convention were met. In cases in which protection measures had been requested and the alleged risk or threat to the beneficiaries continued, the Committee would inform the authors that, if that risk or threat was related to their cooperation with the Committee, they could refer the case to its rapporteur on reprisals.

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